

# Exhibit D

IBF7TAR1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 MARY M. TARDIF,

4 Plaintiff,

5 v.

13 Civ. 4056 (KMW)

6 CITY OF NEW YORK, NEW YORK  
7 CITY POLICE DEPARTMENT, et  
al.,

Trial

8 Defendants.

9 -----x

10 New York, N.Y.  
11 November 15, 2018  
9:20 a.m.

12 Before:

13 HON. KIMBA M. WOOD,

14 District Judge

15 APPEARANCES

16 COMMUNITY LEGAL ASSISTANCE CORP.

Attorneys for Plaintiff

17 BY: STEFAN H. KRIEGER

- and -

18 LAW OFFICES OF KATHERINE E. SMITH

BY: KATHERINE E. SMITH

- and -

19 GIDEON O. OLIVER

20 NEW YORK CITY LAW DEPARTMENT

Attorneys for Defendants

21 BY: BRACHAH GOYKADOSH

22 JOSHUA J. LAX

IBFHTar4

S. Shockley - Direct

1 A. Correct.

2 MS. SMITH: Thank you.

3 MR. LAX: Nothing further, your Honor.

4 THE COURT: All right. Thank you very much. You may  
5 step down.

6 We are ready for the next witness.

7 (Witness excused)

8 MR. OLIVER: Plaintiff calls Reverend Stephanie  
9 Shockley, your Honor.

10 THE COURT: All right.

11 MS. SMITH: I'll get her.

12 THE COURT: Ms. Shockley, please remain standing and  
13 raise your right hand.

14 STEPHANIE SHOCKLEY,

15 called as a witness by the Plaintiff,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. OLIVER:

19 Q. Reverend Shockley, are you employed?

20 A. Yes.

21 Q. What do you do for working?

22 A. I'm an Episcopal priest.

23 Q. What's your marital status?

24 A. I'm sorry?

25 Q. What's your marital status?

IBFHTar4

S. Shockley - Direct

1 A. I'm married.

2 Q. Who are you married to?

3 A. Daniel Shockley.

4 Q. I see that you're wearing glasses. Can you please tell the  
5 jury briefly about your vision.

6 A. Yeah, sure. I am extremely nearsighted; meaning, small  
7 detail, fine detail, I don't see particularly well. However,  
8 you know, that doesn't mean that I'm -- that I don't have the  
9 sort of full range of vision that everybody else does. And I  
10 can see -- for example, if somebody that I know is within 5, 6,  
11 7 feet of me, I can recognize them. I can tell they have a  
12 T-shirt on that might have a band logo on it, but I might not  
13 be able to tell where the band went on tour, for example.  
14 There's some beautiful views from the area in the hallway here,  
15 and I can --

16 MR. LAX: Objection.

17 A. -- pick out things like the World Trade Center, the  
18 Brooklyn Bridge, that sort of thing. The cars on the ground.

19 THE COURT: Thank you. Overruled.

20 Q. I'd like to direct your attention to March 21, 2012, a  
21 little after around midnight. Where were you at that time?

22 A. In Union Square Park.

23 Q. What were you doing in Union Square Park?

24 A. I had come to Union Square Park to attend an Occupy, excuse  
25 me, protest.

IBFHTar4

S. Shockley - Direct

1 Q. What time did you get there?

2 A. Just after midnight.

3 Q. And who, if anyone, was with you?

4 A. My husband Daniel Shockley.

5 Q. And when you arrived at the park, where did you go?

6 A. I went to the southern end of the park, which is the end  
7 closest to 14th Street.

8 Q. Who, if anyone, was there at the southern end of the park  
9 when you got there?

10 A. There were protesters with Occupy Wall Street banners.

11 Q. And was there anyone else there?

12 A. There were also police officers.

13 Q. About how many protesters?

14 A. I estimate about 100.

15 Q. About how many police officers?

16 A. I would estimate somewhere between 50 and 75.

17 Q. And after you arrived in the south end of the park, what  
18 happened next?

19 A. After I arrived at the south end of the park, initially I  
20 was sort of, you know, just talking to people. I ran into a  
21 couple people I knew. And then at some point shortly  
22 thereafter, the police started pushing anybody who was further  
23 north in the park out of the park towards the southern end down  
24 past the lower level, the final level of stairs, and putting  
25 barricades up along the stairs.

IBFHTar4

S. Shockley - Direct

1 Q. And what reactions, if any, did you see to police putting  
2 up barricades below the stairs?

3 A. Reaction from the protesters?

4 Q. Any reaction that you saw to that.

5 A. People seemed to me to be very angry. They were chanting  
6 loudly. They were sort of standing by the barricades and  
7 chanting angrily at the police.

8 Q. After you heard protesters chanting at the police, what  
9 happened next?

10 A. At some point the -- a number of protesters had, you know,  
11 personal items with them: backpacks, cardboard signs, water  
12 bottles. There were some people that had some of the -- some  
13 books that had been part of the Occupy Wall Street library at  
14 Zuccotti Park, but they had them, like, right kind of with them  
15 right where they were. And at some point the police began to  
16 tell the protesters that these items were unattended property  
17 and that they needed to take them away. And then protesters  
18 started telling the police: But these are not -- that's not  
19 unattended property. You know, we're right here, that kind of  
20 thing.

21 And then the police -- so the police were picking  
22 up -- any items that were on the ground they were picking up  
23 and taking away, and then they also started grabbing things  
24 people had in their hands. Like if somebody had a backpack,  
25 they would, like, grab it, which I didn't really understand why

IBFHTar4

S. Shockley - Direct

1 that was happening.

2 Q. About how long after the barricades went up did what you  
3 just described occur, if you know?

4 A. I couldn't tell you. I don't remember.

5 Q. After the scene that you just described, what's the next  
6 thing you remember happening that night?

7 A. The next thing that I remember is that there was a  
8 commotion a little ways away from me, yelling and people  
9 screaming things like, "Medic, medic. We need a medic," and I  
10 didn't know what had happened. Sounded like somebody had  
11 gotten hurt, but I didn't know what had happened. I went in  
12 the direction of the, you know, sort of the commotion, and when  
13 I got over to where the commotion was happening, there was a  
14 woman lying on the ground.

15 Q. And who was the woman lying on the ground?

16 A. Mary Tardif.

17 Q. And did you recognize her?

18 A. I recognize -- yeah, I did recognize her for a couple of  
19 reasons. First of all, I had met her on a number of other  
20 occasions. I was familiar with her from other Occupy Wall  
21 Street protests, and I was familiar with her particularly  
22 because she had been serving as a medic. So she had on a  
23 dark-colored shirt that had a red duct taped cross that stood  
24 out really well. So she was really easy -- it was really easy  
25 to recognize her to confirm it was her.

IBFHTar4

S. Shockley - Direct

1 Q. And when you recognized her, what did you observe about her  
2 at that moment?

3 A. When I recognized her, she was -- she was lying on the  
4 ground and she wasn't talking to anybody. She wasn't moving.  
5 She appeared to be unconscious, and I was concerned that she  
6 might be injured.

7 Q. What happened next after you approached her and recognized  
8 her?

9 A. So a couple of other people who -- at least a couple of  
10 other -- I remember at least two other people that were serving  
11 as medics came over and got down on the ground and started  
12 trying to see what was going on with her, and they told us just  
13 sort of bystanders, they said: "Give her some space. We need  
14 you to make sort of a circle and give her a little bit of  
15 space." And so I, along with other people who were right  
16 there, you know, just kind of -- we sort of made space and  
17 people backed up and made a bit of a circle.

18 And then -- and then at some point after we did that,  
19 it seemed like a lot of -- I don't know how much time went by,  
20 but it felt like a long time. I saw that there was -- right in  
21 the area there was a police officer that was wearing a white  
22 shirt, which meant he was a supervising officer, and I looked  
23 at him and I said something along the lines of, you know,  
24 "Ambulance, we need an ambulance," you know. "Have you called  
25 an ambulance?" And he just looked at me and said, "Oh, do we



IBFHTar4

S. Shockley - Direct

1 need an ambulance?" And I was really shocked because, I mean,  
2 there's somebody lying on the ground that appears to me to be  
3 unconscious. Of course we -- you know, we need an ambulance.

4 Q. And what happened next?

5 A. Eventually, an ambulance did arrive, pulled up on 14th  
6 Street. And the EMTs, I believe there were two of them, came  
7 over to where Mary was lying on the ground, and they had one of  
8 those backboards that they sometimes put patients on, and they  
9 got down on the ground right where she was.

10 Q. What happened next after they got on the ground?

11 A. So at some point while the EMTs were still -- were right  
12 there with Mary, I heard a commotion kind of off and to my --  
13 like over my shoulder. I didn't know what it was. I didn't  
14 know why, but all of a sudden I was getting pushed. People  
15 were yelling. I started yelling because I was getting pushed  
16 forward. And a line of police officers came running through  
17 the circle that we had been standing in to try to give Mary  
18 some space and to give the EMTs some space. So they just sort  
19 of came running through, and they trampled on her legs. Like,  
20 they literally stepped on her legs. And they were pushing  
21 everybody so hard, I remember screaming and being afraid I was  
22 going to -- I was going to actually, like, like, stumble  
23 forward and step on her.

24 Q. After those officers trampled her legs, what happened?

25 A. I don't -- they kept going to wherever it is they were

IBFHTar4

S. Shockley - Cross

1 going, and the EMTs were able to finish doing whatever they  
2 were -- you know, whatever they were doing to assist Mary and  
3 to move her to the ambulance.

4 Q. How much time elapsed between the moment you recognized  
5 Mary on the ground and the moment that she was brought to the  
6 ambulance?

7 A. I don't remember.

8 Q. I'm sorry. If I asked you this before, but what's your  
9 title?

10 A. My title?

11 Q. Yes, your honorific title.

12 A. The reverend. It's the Reverend Stephanie Shockley is the  
13 whole title, the whole thing when you put it together.

14 MR. OLIVER: Thank you. I don't have further  
15 questions at this time.

16 CROSS-EXAMINATION

17 BY MR. LAX:

18 Q. Good afternoon, reverend. So just to be clear, you saw a  
19 number of officers trample over the plaintiff's legs, correct?

20 A. Yes.

21 Q. And these were officers in full uniform, correct?

22 A. That's correct.

23 Q. And they were wearing work boots, correct?

24 A. I did not look at their feet.

25 Q. OK.

IBFHTar4

S. Shockley - Cross

1 A. Exactly, I don't remember.

2 Q. And they had their gear belts on, correct?

3 A. They were in full police uniform. They were very clearly  
4 in full uniform as I would expect to see any NYPD officer in.

5 Q. And a number of officers attired in that way trampled over  
6 the plaintiff's legs, correct?

7 A. That's right.

8 Q. OK. Just to be clear, you did not actually witness any of  
9 the chain of events that led Ms. Tardif, the plaintiff, to be  
10 laying on the ground, correct?

11 A. Correct. That's right.

12 MR. LAX: I have no further questions, your Honor.

13 MR. OLIVER: Nothing further, your Honor. Thank you.

14 THE COURT: Thank you very much.

15 You may step down.

16 Next witness.

17 (Witness excused)

18 MS. SMITH: Your Honor, before we call our next  
19 witness, we wanted to read in one of the parties' stipulations.

20 THE COURT: All right. Members of the jury, a  
21 stipulation is an agreement among all the parties that certain  
22 facts are true. So you must take this as true.

23 MS. SMITH: On March 21, 2012, plaintiff was  
24 transported to Beth Israel Hospital at 4 o'clock a.m., was  
25 treated for a concussion, and was given a soft cast and